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Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan

Note verbale dated 20 May 2003 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Romania to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan and has the honour to submit herewith attached the updated report of Romania, in accordance with paragraph 6 of resolution 1455 (2003) (see annex).

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Annex

Report pursuant to paragraphs 6 and 12 of resolution 1455 (2003)

I. Introduction

1. Please provide a description of activities, if any, by Usama bin Laden, Al-Quaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends

No activities specific to Al-Qaida and its leader or to the Taliban and their associates were identified on the Romanian territory.

II. Consolidated List

2. How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, custom and consular authorities?

The 1267 Committee's List was fully incorporated within the Romanian legal system and administrative structure – including financial supervision, police, immigration control, customs and consular authorities. The Romanian Government adopted the Emergency Ordinance nr. 153/2001, concerning the implementation of the UN Security Council Resolution 1373 (2001), on the fight against international terrorism, as well as the Emergency Ordinance nr. 159/2001, for preventing and suppressing the use of the financial and banking system for funding the terrorist acts.

In accordance with the provisions of art. 1 of the Government Emergency Ordinance nr. 159/2001:

- All financial and banking operations among residents and non-residents as well as among non-residents, only consisting in account current and capital account operations, are forbidden, including currency exchange operations, as they are defined in the currency-related rules and regulations issued by the National Bank of Romania, issued for or in the account of the natural persons or of the legal entities listed in the Appendix, which forms an integral part of the Government Emergency Ordinance.
- The assets of the persons listed in the appendix are frozen, any transfer, by all means, including through banks, being forbidden.

The list will be updated periodically, by Government Decision, based on the information received from the Security Council of the United Nations.

At the same time, **art.4** of the same normative act provides the obligation of certain organisms of the central public administration (*the Ministry of Foreign Affairs, the Ministry of Public Finance, the Ministry of Justice, the Ministry of Interior, the Ministry of National Defence, the Ministry of Communications and of Information Technology, the Ministry of Public Works, Transportation and Housing, the Prosecutor's Office within the High Court of Justice, the Romanian Intelligence Service, the Foreign Intelligence Service, the National Office for the Prevention and Combat of Money Laundering, the Chamber of Commerce and Industry of Romania and of the Municipality of Bucharest, the National Bank of Romania, the National Commission of Transferable Securities and the Insurance Surveillance Commission*) to draw up and maintain updated lists containing natural persons and legal entities suspected of committing or financing acts of terrorism, other than those provided for in the Appendix to the Emergency Ordinance.

3. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the List? If so, please describe these problems.

No major problems have been encountered with the implementation of the Consolidated List. However, due to the lack of identifying information on some persons included in the List (e.g. birth date, birthplace, identity cards or other identity documentation, address etc.) and the absence of some parts of names relevant for the specific operations, the tracing of some of these persons was difficult.

4. Have your authorities identified inside your territory any designated individuals or entities?

So far, the Romanian authorities has not identified any person or entity, either on the Romanian territory, or upon the entrance in the country, from those designated in the Consolidated List established and updated by the 1267 Committee of the United Nations.

5. Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Usama bin Laden or members of the Taliban or Al-Qaida that have not been included in the List, unless to do so would compromise investigations or enforcement actions.

Except for those included in the List, we do not have any other names of individuals or entities that might be associated with Usama Bin Laden, or members of the Taliban or Al-Qaida.

6. Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate as appropriate.

Since we have not identified any individual or entity included in the List within our national territory, this paragraph cannot be subject of an answer.

7. Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them, not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.

Since we have not identified any individual or entity included in the List within our national territory, this paragraph cannot be subject of an answer.

8. According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al-Qaida training camps established in your territory or in another country.

The Government Emergency Ordinance Nr. 141/2001 on the punishment of certain acts of terrorism and of certain acts of non-compliance with the public order (approved with the modifications and amendments stipulated in the Law Nr. 472/2002) does not contain express provisions related to the criminalizing of the acts of recruiting of new Al-Qaida members, of supporting its members in their activities carried out within the territory of our country or of participation in training activities.

Nevertheless, we emphasize that, in conformity with art. 3 in the Government Summary Ordinance Nr. 141/2001, **the agreement in view of committing acts of terrorism** is an offence, being punishable by imprisonment from 3 to 15 years and the interdiction of certain rights. From the construction of the notion of "agreement in view of committing acts of terrorism", results that it also covers the acts of recruiting and of supporting the members thereof, in their activities. The instigation, as well as the complicity to the committing of an offence is criminalized in conformity with art. 25 – 29 from the general part of the Penal Code and will be punished as provided for under the law, for the author thereof.

The Romanian legislation also contains provisions whereby such activities directed, against State security, are subject to penal punishments (art. 166, 167 and 323, of the Penal Code).

In accordance with art. 15 of the Government Emergency Ordinance Nr. 159/2001 on the prevention and combat of the use of the financial and banking system in view of financing acts of terrorism (approved by the Act Nr. 466/2002):

- The act of the individual **who makes available or collects funds**, in a direct or indirect way, being aware of the fact that such funds are used, in full or in part, to commit acts of terrorism, constitutes an offence and is punished by imprisonment from 5 to 20 years and the interdiction of certain rights;
- The same punishment also applies to the act, of an individual, to derive funds in order to finance acts of terrorism;
- The attempt is punishable;
- The funds made available or collected in order to commit acts of terrorism or derived in order to finance acts of terrorism shall be forfeited.

At the same time, according to the provisions of the National Strategy on Preventing and Combating Terrorism and the General Protocol on the Organization and Functioning of the National System for Preventing and Combating Terrorism, specific tasks are assigned to the Parts, according to their responsibilities, including the implementation of the Government Emergency Ordinances nr.153/2001 and nr.159/2001.

The Romanian special services' activities, concerning the monitoring of the actions carried out by followers of some terrorist organizations of islamic fundamentalist orientation, residing in Romania, did not reveal the existence of Al-Qaida training camps in our country or the intention to establish such camps here.

We did not identify any possible activities of Al-Qaida members aimed at recruiting new members or at supporting the specific activities of the group, on our territory.

III. Financial and Economic Assets Freeze

9 Please describe briefly:

- *the domestic legal basic to implement the asset freeze required by the resolutions above;*
- *any impediments under your domestic law in this context and steps taken to address them.*

By the adoption and implementation of the Government Emergency Ordinance nr.159/2001, the Romanian authorities have created the legal framework for preventing and suppressing the use of the financial-banking

system for funding terrorist acts. Those measures are aimed at preventing the funds, assets or other resources from being directly or indirectly offered for the use of persons or entities whose activities are related to terrorism.

The provisions of Chapter I of this Emergency Ordinance - forbidden financial and banking operations - shall apply to all individuals and entities comprised in the list appended thereto. All financial-banking operations having a direct or an indirect connection with such persons are forbidden. In addition, their assets are frozen, any transfer, by any means, including through banking means, being forbidden.

CHAPTER 1
Forbidden Financial-Banking Operations

Art. 1 - (1) Any financial-banking operations among residents and non-residents, as well as only among non-residents, consisting in account current and capital account operations are forbidden, including currency exchange operations, as defined in the currency-related rules and regulations issued by the National Bank of Romania, made for or on behalf of the natural persons or legal entities provided for under the Appendix, forming an integral part of the Emergency Ordinance.

(2) The assets of the individuals specified in the Appendix are frozen, any transfer, through any means, including the banking one, being forbidden.

(...)

Art. 3 – The staff of the financial-banking institutions must refuse the operations specified under art. 1 para. (1) and to address the competent authorities.

Also, in conformity with the provisions of art. 6 of the Government Emergency Ordinance Nr. 159/2002 the financial-banking operations mentioned under art. 1 are subject to the prior authorization by the National Bank of Romania, by the National Commission of Transferable Securities and by the Insurance Surveillance Commission, as the case may be, if they are carried out for or on behalf of the individuals contained in the list of the Ministry of Public Finance, other than those nominated in the list of individuals or entities identified by the 1267 Committee. To this effect, the National Bank of Romania has issued the Norm nr. 5, dated 21 December 2001, with reference to the necessary documentation for the authorizing of the financial and banking operations, as specified under the Government Emergency Ordinance nr. 159/2001.

In conformity with the provisions of para. (4) of art. 15 in the Government Emergency Ordinance Nr. 159/2001, the funds made available or collected in order to commit acts of terrorism, or derived in view of financing acts of terrorism, shall be forfeited.

As far as the freezing of assets is concerned, other than those of the persons in question, as well as of the financial means that do not appear in the list (appendix), the provisions of art. 118 of the Penal Code shall be applicable, as well as those of art. 439 of the Criminal Procedure Code, with reference to the penal procedure related to the measure of the special forfeiture, and to the provisions of art. 163 – 167 of the Criminal Procedure Code, with reference to the procedure of forfeiture.

ART. 118 – **Special forfeiture**

The following are subject to the special forfeiture:

a) The objects resulted out of the act provided for under the penal law;

b) The objects that were used or that were meant to be used for committing an infringement, if they belong to the offender;

c) The objects that were given in order to induce the committing of an infringement or to reward an offender;

d) The objects obviously acquired through an infringement, unless they are given back to the injured party and insofar as they are not used as a set-off thereof;

e) The objects held in breach of the legal provisions.

10. Please describe any specific structure or mechanisms in place within your Government to identify and investigate Usama bin Laden, Al-Qaida or Taliban – related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

The implementation of the Government Emergency Ordinance nr.159/2001 and of the National Strategy on Preventing and Combating Terrorism, as well as the coming into force of the General Protocol on the Organization and Functioning of the National System for Preventing and Combating Terrorism, on one hand, and the enhancement of the inter-relational mechanisms, both within this System and in the cooperation of the Romanian Intelligence Service with other similar structures of the partner intelligence services, on the other hand, have created the legal framework for accomplishing the tasks pursuant to the provisions of the article 2 of the Resolution nr. 1373 (2001).

11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Usama bin Laden or members of Al-Quaida or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.

By the year 2002, the National Bank of Romania issued Norms nr. 3, on "know your customer" standards, which provide for:

- Setting up, by the banks, of a detailed procedure on the identity checking of new clients, or persons acting on their behalf. Banks are forbidden to enter any business relationship before the identity of the client is checked accordingly.
- Any bank should put in place adequate procedures to detect unusual or suspect transactions. This could be done by setting up the criteria for normal transactions for any type of account, i.e. value limits for the account, client or transaction, or activity type in case of accounts held by legal persons.
- The program should establish an alarm system for suspect transactions and a procedure to report them to the competent authorities.
- The bank could refuse to perform the transactions considered suspect. They are reported to the NBR and to other competent authorities.

The Supervision Department of the NBR is entitled to check the proper implementation of these requirements by the banks and credit unions.

A distinct objective of the on-site supervision is the control of the "know your customer" rules of the bank and their internal control procedures.

12. Resolution 1455 (2003) calls on member States to provide "a comprehensive summary of frozen assets of listed individuals and entities". Please provide a summary of the assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2001) and 1930 (2002). Please include, to the extent possible, in each listing the following information:

- *identification(s) of the person or entities whose assets have been frozen;*
- *a description of the nature of the assets frozen (i.e. bank deposits, securities, business assets, precious commodities, works of art, real estate property and other assets);*
- *the value of assets frozen.*

The Romanian Intelligence Service has not identified any individual or entity included in the Consolidated List, or that financially supports the terrorist organization Al-Qaida.

13. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Usama bin Laden or members of the Al-Qaida or the

Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

The Romanian Intelligence Service has not identified any individual or entity included in the Consolidated List, or that financially supports the terrorist organization Al-Qaida.

14. Pursuant to resolution 1455 (2003), 1390 (2001), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to Listed individuals or entities or for their benefit, by national or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities.

The banks should block the accounts of the listed persons and no bank transfer should be performed.

The lists are sent to the banks so that they are able to identify the accounts and transactions of those persons.

Any information provided by the banks, in order to notify the identifications made, is being sent to the Inter-Ministerial Council established for the implementation of the Resolution nr. 1373/2001 of the Security Council, to the Romanian Intelligence Service and to the Foreign Intelligence Service, for proper use.

In accordance with the provisions of the Government Emergency Ordinance nr.159/2001, all financial and banking operations between residents and non-residents as well as those between non-residents only – current account and capital account operations, including currency exchanges, as defined by the currency regulations issued by the National Bank of Romania, carried out on behalf or in the account of the natural persons or corporate bodies listed in the appendix that is an integral part of the emergency ordinance and includes the List of the persons and / or entities identified by the Committee 1267, are forbidden (the assets of the persons listed in the appendix are frozen, and their transfers, whatever the means, including the banking ones). The employees of the financial and banking institutions are instructed to deny the above operations and subsequently inform the specialized authorities.

The provisions of this normative act do not apply only to the individuals and entities included in the list attached to the Ordinance, because, pursuant to the article 4, the institutions listed in this article – including the Romanian Intelligence Service – draw up and update lists with the natural persons and corporate bodies suspected of perpetrating terrorist acts or financing terrorism (others than those listed in the appendix of the above emergency ordinance), that are sent to the Ministry of Public Finances.

At the same time, on a case by case basis, prior authorization of the National Bank of Romania, the National Commission for Movable Values and the Commission for the Insurance Monitoring is required for the financial and banking operations carried out by the natural persons and corporate bodies suspected of perpetrating terrorist acts or financing terrorism, included in lists drawn up by the authorities in charge with preventing and suppressing the legal or illegal activities aimed at obtaining financial funds for supporting terrorist acts.

By the Decision nr. 467 of May 16, 2002, the Romanian Government completed the Appendix („List") of the natural persons and corporate bodies and / or entities suspected of perpetrating terrorist acts or financing terrorism (published in the Official Gazette nr. 362 of May 30, 2002).

Among the institutions in charge with preventing and suppressing this kind of activities, in accordance with the article 11 of the Law nr. 51/1991, the Romanian Intelligence Service communicates the information concerning the threats to the Romanian national security, including those related to terrorist deeds and acts - pursuant to the article 3 ("i") of the same law, to the "ministers and ministries' department heads, when the information refers to issues connected with the lines of work they coordinate or are responsible for".

At the same time, in accordance with the Government Emergency Ordinance nr. 194/2002 – a normative act that, being consistent with similar international regulations, regulates the legal status of the foreigners in Romania - the Romanian Intelligence Service provides the specialized authorities with the data and indications it has got on the foreigners that intend to enter Romania with the aim to plan or perpetrate extremist terrorist actions, for the authorities to take the appropriate measures for denying their entry in our country. In the same context, the Romanian Intelligence Service can propose the specialized authorities to include in the list of the undesirable persons for Romania the names of the individuals on which reliable data indicate that they have carried or intend to carry out activities that can jeopardize the national security or the public order.

IV. Travel Ban

Under the sanctions regime, all States shall take measures to prevent the entry into or transit through their territories of Listed individuals.

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

Based on the Emergency Ordinance of Romanian Government nr. 159/2001, approved by Law nr. 81/2002 on the organisation and functioning of the Romanian Border Police, and the Emergency Ordinance of Romanian Government nr. 194 from 2002 on the status of aliens, the foreign citizens that

are known as carrying out terrorist acts, or supporting these, are forbidden to travel in Romania.

The Consolidated List of the persons or entities that belong to or are associated to the Taliban regime and Al-Qaida network, established and updated by the 1267 Committee of the United Nations, was transmitted to the county structures for aliens and immigration issues, in order to verify the persons whose name partially correspond to those from the list and to report all suspect cases.

Art. 8 in the Government Emergency Ordinance Nr. 194/2002 with reference to the regime of foreigners in Romania provides:

Art. 8 – **The interdiction to enter Romania**

It is forbidden to foreigners to enter the territory of the Romanian State if:

(...)

b) They are indicated, by international organizations whereof Romania is a party, as well as by institutions specialized in the combat of terrorism, to finance, prepare, support in any way or commit acts of terrorism;

c) There are clues that they belong to organized transgressing groups of trans-national character or to support in any manner the activity of such groups;

d) There are serious reasons to consider that they have committed or participated in the committing of acts of violation against peace and mankind or of any war crimes or crimes against humanity, provided for in the international conventions whereto Romania is a party.

(2) The competent authorities can refuse the entry in Romania to foreigners, in any of the following cases:

a) They committed acts of violation in the period of their other stays in Romania or abroad, against the Romanian State or against a Romanian citizen;

b) They unlawfully introduced or they attempted to introduce other foreigners in Romania;

c) They have previously breached, groundlessly, the purpose declared when applying for their entry visa.

(3) The organisms and the institutions, holding data and information with reference to the existence of situations of the nature of those provided for under para. (1) and (2), are held to inform the Cross-Border Police General Department and the Authority for Foreigners or the territorial units thereof.

(4) The measure of interdiction to enter Romania for foreigners who hold a valid entry visa, granted by the diplomatic missions or by the consular offices of Romania, shall be substantiated by the cross-border police officials and immediately communicated to the person involved, to the Authority for Foreigners and to the Department of Consular Relations within the Ministry of Foreign Affairs.

Concerning air transit, art. 23 of the quoted normative act stipulates the following:

Art. 33 – **Conditions for granting air transit visas**

(1) The air transit visa is granted by the diplomatic missions or by the consular offices of Romania, with the prior approval of the Consular Relations Department within the Ministry of Foreign Affairs, to citizens belonging to the States entered in the list opened by the Ministry of Foreign Affairs to this effect, provided there is a visa issued by a third State, allowing foreigners to continue their travel. Such visa can be granted upon presentation of flight ticket valid up to the point of destination and allows foreigners to remain in the air traffic zone up to 5 days.

The list of the States whose citizens need a visa for air transit was approved by Order of the Minister of Foreign Affairs, under nr.363/2003.

16. Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.

Names and identification data of the persons from the List were included in the electronic database of the Border Police, which can be accessed from every Border Checkpoint. The List is permanently updated and can be accessed 24 hours a day, from every Border Checkpoint, within the electronic system of Border Police.

The Romanian Intelligence Service watchlisted only the persons whose identification data were complete enough for this operation. As the List provided by the UN Security Council includes a great number of persons whose identification data is not complete, the names of these persons have not been watchlisted, and legal procedures for completing the identification data have been initiated.

17. How often do you transmit the updated list to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?

As soon as the UN Security Council updates the List and sends it to the Romanian authorities, the persons included in the list will be immediately registered in the border checkpoint lists, only if their identification data are complete. The Romanian Intelligence Service does not possess the capability of searching list data using electronic means at all our entry points.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

No person from the List was identified at Border Checkpoints.

19. Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the List?

The Ministry of Interior periodically issues a list of undesirable persons, which is sent to all Romanian Consular offices abroad.

V. Arms Embargo

20. What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

The policy of controlling the exports is the essential domestic key factor for fulfilling the non-spreading objectives. The main elements are the responsible institutions and mechanisms involved in the control of these foreign trade operations and the internal licensing procedures.

At present, the control regime is regulated by the stipulations of the Government Ordinance nr. 158/1999 on the export and import of the strategic articles regime.

Within the licensing procedures, there is a rigorous evaluation of the involved economic internal or external operators' behaviour, of the categories of commercialised strategic products (especially those that cannot be used within some programs of nuclear, chemical and biological arming), of the destination country profile, and of the zone they belong to, and in the situation in which some risks are expected, the licences of authorisations are not granted.

In this sense, the hijacking risks of such materials, equipment and technologies towards terrorist organisations and networks of international organised crime are minimal.

The Ministry of National Defence controls all the application forms for arms trade licenses issued by the importer/exporter of military items. The MoND belongs to the National System of Strategic Export Control (SNCES). The trade with military items is carried out according to the specific national export law and international provisions on the matter.

The Romanian Government adopted the Decision nr. 918/2001 for implementing the UN Security Council Resolution nr. 1333/2000, concerning the

situation in Afghanistan. Pursuant to this decision, the Romanian public authorities and institutions, natural persons and corporate bodies, as well as the foreign natural persons and corporate bodies that carry out economic and financial activities will take all the measures needed for implementing the provisions of the above Resolution, a document that is an integral part of the domestic normative system.

At the same time, the Romanian Government's Ordinance nr. 131/1994, concerning the regime of the strategic materiel imports and exports, includes explicit regulations on this issue, in accordance with Romania's international commitments.

For this purpose, a Governmental specialized body was created: the National Agency for Monitoring Strategic Exports and Chemical Weapons Prohibition.

The monitoring regime is structured on two levels, one level concerns the relations with the partners from the countries that implement similar regulations and the other concerns the relations with partners from countries that do not implement similar regulations. In both situations, the strategic material imports and exports are only carried out in customs units especially designed for this purpose.

The Inter-ministerial Council created inside this system is in charge with examining and approving the demands concerning the strategic materiel imports and exports.

21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?

and co-operates with Intelligence Service

According to the provisions of art. 1 in the Government Summary Ordinance Nr. 141/2001 on the penalizing of certain acts of terrorism and of certain acts of violation of the public order, approved with modifications and amendments by the Act Nr. 472/2002, acts of terrorism are: the committing of the infringements of non-observance of the regime of arms and ammunition, the non-observance of the regime of nuclear materials and of other radio-active materials, as well as the non-observance of the regime of explosives, provided for under art. 279, 279[1] and 280 in the Penal Code, in order to cause serious disturbance in the public order through intimidation, terror or through the infliction of a state of panic. The maximum punishment provided for by law for such infringements shall be increased by 5 years, without exceeding the general maximum imprisonment punishment, and with the interdiction of some rights.

The attempt to commit such infringements is also punished. The manufacturing or the procuring of the means or the instruments, as well as the act of taking measures in order to commit an infringement shall also be considered an attempt.

22. Please describe how your arms / arms broker licensing system, if any, can prevent Usama bin Laden, members of Al-Quaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.

The control of commercial operations with arms and ammunition is regulated by the Government Decision nr. 844 from 2001 on the List with arms, ammunition and other military products that are under export and import control regime, that was harmonised in conformity with the modifications approved by the plenary meetings from 1999 and 2000 of the Arrangement from Wassenaar on controlling the export of conventional arms, products and technologies with double use, and with the common list of military equipment elaborated on the basis of European Union Code of Conduct on the arms export.

The activity of export and import licensing of the arms, ammunition and other military products, as well as that of issuing international transit permits, trans-bordering an and non-commercial operations with such products is made within the Inter-ministerial Committee for the Co-ordination of National Agency for Controlling Strategic Exports and Forbidding Chemical Arms (ANCESIAC) – national authority. The strictness of the licensing mechanism and risk evaluation procedures allow the efficient management of these transfers and, also, the strict observance of embargoes and restrictive regimes.

23. Do you have any safeguards that the weapons and ammunition produces within your country will not be diverted / used by Usama bin Laden, members of Al-Quaida organization and the Taliban and other individuals, groups, undertakings and entities associated?

The arms and ammunition regime is regulated by the Law nr. 17/1996, which imposes strict rules for producing, exporting, importing and trading with firearms and ammunition. According to the stipulations of this law, the possession, carrying and use of military arms and corresponding ammunition, by foreign persons, are forbidden on the Romanian territory.

VI. Assistance and conclusion

24. Would your state be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions?

Upon request, the Ministry of Interior is willing to follow the carrying out of all measures within its competence, including the information and experience exchange.

25. Please identify areas, if any, of any incomplete implementation of the Taliban/Al-Quaida sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.

26. Please include any additional information you believe pertinent.

Between the 11th of September 2001 and the 24th of March 2003, at the request of the Romanian Intelligence Service, a number of 122 persons suspected of implication in activities connected to international terrorism were transmitted to the General Inspectorate of Border Police and included in the "order for special control" at border crossing.